

CALIFORNIA COASTAL COMMISSION

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January 22, 2009

TO: Interested Parties

FROM: Linda Locklin
Coastal Access Program Manager

One of the Coastal Act's strongest mandates is the protection and provision of public access to and along the coast, Public Resources Code sections 30210-30214. The following highlights the Coastal Commission's Public Access Accomplishments during the period March 2005 through October 2008.

I. Offers to Dedicate (OTDs) Public Access Easements

- The acceptance rate has increased from 67% in 2005 to 82% to date.
- The number of outstanding OTDs (18%) is 249.

II. New Public Access created by the Coastal Commission

There have been several new locations opened up for public access as a direct result of the Coastal Commission, including:

1. Carbon Beach, City of Malibu, Los Angeles County: The Vertical OTD was required by the CCC in 1983 and was accepted by the nonprofit Access for All in 2002; in 2002 the landowner (Geffen) initiated litigation to prevent the opening of the Easement. In May 2005 a settlement was reached and the Easement was opened to the public.

This Accessway, known as Carbon Beach East, is only the second public accessway to be opened along this 1.5 mile long stretch of beach, that *but for* these two accessways (the other was opened in 1980 per a CCC coastal development permit (CDP) required in 1973 was named after the infamous Doonesbury cartoon character Zonker Harris, known for his obsession with sun-tanning) has been virtually off limits to public use due the lack of public accessways between the houses. During the first year after opening of the Carbon Beach East Accessway, up to 500 people per weekend used this pathway to get to the beach.



2. Huntington Harbor, Orange County: This Lateral OTD was required by the CCC in 1983 and was accepted by the State Coastal Conservancy (SCC) in 2006 and has been operated by the nonprofit group Orange County Coast Keeper since 2006. The Lateral Easement is located within Huntington Harbor, an area which is primarily developed with private and gated residential homes; there is a lack of public access to the waterfront. This Easement provides access to the inner harbor waterways (e.g. primary use is fishing) via the bulkhead located in front of the homes.



3. City of Malibu, Los Angeles County: In 2006, a joint State effort by the CCC, SCC, and the Santa Monica Mountains Conservancy resulted in the reclaiming of an historic public access pathway to Malibu Beach. The pathway had been fenced off with chain link and razor wire about a decade ago. While this pathway and bluff top area were protected by a CCC required OTD in 1983 that the SCC accepted in 2002, improvement plans (a beach access stairway) are still being prepared.



California Coastal Commission Access Program Accomplishments

March 2005—October 2008

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4. Big Rock area of the City of Malibu, Los Angeles County: Pursuant to a CDP issued by the CCC in 2004 to California Department of Transportation, a new Public Viewpoint was constructed and has been operated for public use by Caltrans since 2005. Located in an area of the City where residential structures almost completely block views of the ocean from the Highway for several miles, this new Viewpoint is an important public access amenity.



5. Pt. Buchon Trail, Los Osos, San Luis Obispo County: Pursuant to a CDP condition approved in 2004, the property owner, Pacific, Gas and Electric, was required to build and open a three mile long trail, a segment of the California Coastal Trail (CCT). The trail is located on ranch land which had never been open for public use. Located immediately south of Montaña de Oro State Park, the Pt. Buchon Trail was initially opened in 2007 for a mile long loop and by 2008 the entire trail was completed.



6. Noyo Harbor area of the City of Ft. Bragg, Mendocino County: Pursuant to a CDP approved in 1979 which required the OTD, the Mendocino Land Trust accepted the OTD in 2003 and opened the Easement in 2008. The Easement provides access to a working harbor in northern California.



7. Westport area of Mendocino County: Following a CDP approved in 1994 approving a subdivision and requiring a blufftop viewpoint and a beach access stairway, the Westport Village Society worked with the SCC to secure grant funds to buy the entire blufftop area. The purchase occurred in 1998 and the bluff top and beach access stairway was opened in 2005.



III. New Access Opened Pursuant to Coastal Commission Partnerships

The Coastal Commission works with many partners to enhance coastal access. Projects that were completed due to our partnerships with local and state governments as well as several nonprofit groups include:

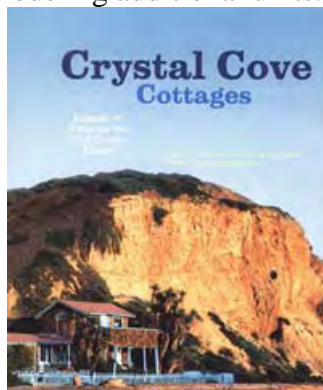
1. Navarro Point, Albion area of Mendocino County.

The Mendocino Land Trust, with acquisition funding from the SCC, opened Navarro Point headlands in 2005. Containing about 40 bluff top acres, improvements include a public parking lot and 2.5 miles of blufftop trails, a segment of the CCT. This property has been a high State priority for acquisition for years, given its highly scenic qualities and its location as the “gateway to the scenic Mendocino coast”. In the future, this property will link to nearby OTDs, to be opened by the Land Trust, as part of future CCT segments.



2. Crystal Cove Cottages in Laguna Beach area of Orange County.

After a 25-year battle to implement the approved plan to remove non-conforming private residences on State Park property and remodel the historic beach front cottages into visitor serving overnight facilities at Crystal Cove State Park, in 2006 the first visitors enjoyed this fantastic new State Park facility. The availability of these cottages addresses one of the State’s biggest public needs, which is provision of affordable overnight accommodations within the coastal zone. Since the 46 units have opened up, they have been booked every single day of the year. Future plans include remodeling additional units.



3. Mel's Lane, Pescadero area of San Mateo County.

Located directly adjacent to Pigeon Point State Park which includes the historic Pigeon Point Lighthouse, Mel's Lane is named after Mel Lane, the first Chair of the Coastal Commission and the former owner of Sunset Magazine. Mel's Lane is a blufftop and beach area, which was purchased for public use by the nonprofit group Peninsula Open Space Trust in 2005, for re-use of the property from a private motel and a private beach, to an entirely free open public use area. With the opening of Mel's Lane in 2006, the public is now able to not only use the bluff top and beach access trails, but also to connect directly to the adjacent State Park property. Future improvements include connection to County property to the south, where future CCT bluff top trail segments will be constructed.



4. former East West (Fiscalini) Ranch, Cambria, San Luis Obispo County.

Threatened with potential residential subdivision that was denied by the CCC, the Cambria Community Services District purchased this coastal ranch and opened it in 2006 for public recreation. Two parallel one mile long CCT segment trails have been opened, one for pedestrians and an inland trail for pedestrians and mountain bikers.



IV. California Coastal Trail (CCT)

There have been several enhancements of the CCT over the last three years, including:

1. New CCT logo

Adopted by the State Coastal Conservancy in 2005, this is now the official State of California logo for the CCT.

2. Installation of CCT logo signs

The CCC authorized installation of over 375 CCT logo signs to demark about 120 miles of existing CCT segments in 2007 and 2008.



3. CCC website

The CCC's website for the CCT was vastly improved in 2007, detailing the history of the CCT, and includes the roles and responsibilities of the partner agencies in completing the CCT.

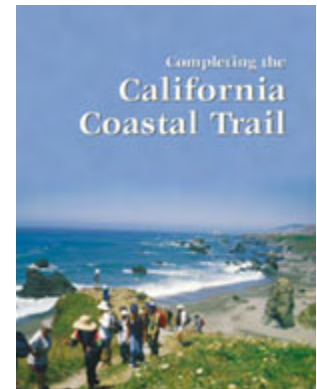


Coastal Access Program

The California Coastal Trail

What is the California Coastal Trail?

The vision for the California Coastal Trail (CCT) is a continuous interconnected public trail system along the California coastline. It is designed to foster appreciation and stewardship of the scenic and natural resources of the coast. The Trail system will be located on a variety of terrains, including the beach, footpaths, paved bicycle paths, and sometimes along the shoulder of the road. While primarily for pedestrians, the Trail will also accommodate a variety of additional user groups, such as bicyclists, wheelchair users, equestrians, and others as opportunities allow.



4. CCT Day Proclaimed

The California Legislature declared October 11, 2008 as California Coastal Trail Day.



5. New CCT segments:

- a. former East West (Fiscalini) Ranch, Cambria, San Luis Obispo (see above)
- b. Pudding Creek Trestle Ft. Bragg, Mendocino County: reconstruction of historic train trestle in 2007, several decades in the making, now links miles of existing State Park Trails to the north and south.

V. Prescriptive Rights

The CCC initiated several Prescriptive Rights studies during the last three years.

A. Cases resolved:

1. Secret Beach, Trinidad, Humboldt County

Pursuant to a Prescriptive Rights study initiated in 2002, the CCC staff determined a strong likelihood of prescriptive rights for this trail in the rural area of Trinidad, leading down a ravine to the beach. The issue was resolved in 2005 when the property owner offered, as a part of a CDP to develop the property, to dedicate a Public Access Easement to the Humboldt North Coast Land Trust and have them operate and maintain the historic trail to Secret Beach. Through the regulatory process, the public rights along this trail have been protected in perpetuity.

2. Sand Hill Bluff, Santa Cruz County

A study initiated by the CCC staff in 2001 for a large bluff top area and a cove beach in the rural part of northern Santa Cruz County was resolved in 2005 when the SCC purchased the property and transferred 64 acres to California Department of Parks and Recreation. When developed and opened to the public, the result will be one mile of blufftop CCT and access to and use of the cove beach in perpetuity.

3. Boca del Canon, San Clemente, San Diego County

Staff initiated a study in 2006 at this bluff top area comprised of eight vacant lots that had historically been used for ocean viewing, dog walking, and access to the beach. The first CDP approved in this subdivision required the developer to provide on-site trails; this approval set the precedent for future development of the remaining lots and will protect the historic use areas in perpetuity.

B. Cases pending:

1. Naples, Goleta area of Santa Barbara County

CCC staff initiated a study in 2005 due to installation of non-permitted fencing and signs attempting to block use of the historic trailhead. Significant evidence was submitted which documented heavy use of the area, both the blufftop area (multiple trails) and trails to the beach by general public, birdwatchers and surfers.

In October 2008, the Santa Barbara County Board of Supervisors approved a large residential subdivision including this area; however the project is on appeal to the CCC over a variety of issues including protection of these historic access rights.

2. 188 Seacliff, City of Pismo Beach, San Luis Obispo

CCC staff study initiated in 2005 and as significant evidence was identified, CCC staff recommended that litigation be filed by the State Attorney General's office. A lawsuit has been filed against the CCC, in part to determine the extent of any public rights over this trail which previously connected two neighborhood bluff top parks.

3. Jalama, western end of Santa Barbara County

Staff initiated a study in 2006 due to non-permitted installation of fencing and signs attempting to block historic parking and trailhead access to an area just east of Jalama County Park. This informal parking area and beach trail are mostly used by surfers, as the adjacent County Park parking lot is not located near to surf break. Over 150 questionnaires have been returned to date documenting heavy use by surfers. County Parks is currently negotiating with the underlying property owner to potentially purchase this area and add it to Jalama County Park.

4. Shelter Cove, City of Pacifica, San Mateo County

Staff initiated a study in 2007 at local citizens request due to long standing closure, via installation of chain link fence, signs, and personal intimidation, of a former road to the cove beach. Investigation suspended due to low response.

5. Dump Road, City of Carpinteria, Ventura County

Staff initiated a study in 2007 due to non-permitted signs and guards posted by the landowner to prevent public use of Dump Road, the parking lot and blufftop trail. A CDP is pending and information from these questionnaires will be used in the staff analysis of the project.

6. Sunset Avenue Trail, inland trail in the City of Laguna Beach, Orange County

Staff study was initiated in 2007 as non-permitted signs at trailhead discourage public use of this trail which eventually leads to a regional open space park. Extensive evidence was submitted and case is being reviewed by the CCC enforcement staff.

VI. Public Education and Outreach

A. Coastal Access Signs:

1. Per CCC staff request, CalTrans installed new Coastal Access signs at five existing Public Accessways in 2005:
 - Belinda Point, Mendocino County: OTD Easement required by CCC opened by Mendocino Land Trust.
 - Pescadero, San Mateo County: Easement required by CCC and operated by property owners via CCC Cease and Desist order.
 - Bacara Resort, Goleta, Santa Barbara County: Parking lot and Trail to beach operated by Resort, per CCC CDP.
 - Carbon Beach, City of Malibu, Los Angeles County: OTD Easement required by CCC and operated by Access for All.
 - Vista Point at Big Rock, City of Malibu, Los Angeles County: Vista Point built and operated by Caltrans per CCC CDP.



2. Per CCC staff request, in 2006 CalTrans installed new Coastal Access signs at three locations in the Ft. Bragg area of Mendocino County on trailheads operated by California Department of Parks and Recreation at:
 - Jefferson Way
 - Caspar Beach
 - Mitchell Creek
3. In 2005, the Mountains Recreation and Conservation Authority removed the “Private Property/No Trespassing” signs at the former private access trailheads to Lechuza Beach, City of Malibu, Los Angeles County and installed state issued “Public Access” signs to inform the public of the public trails and public beach recently acquired by MRCA. The State purchased this beach and trails following the CCC’s denial of a proposal to build 18 homes directly on the sandy beach.

B. Coastal Access Easement Graphics

Graphics depicting the location of OTD Easements along the 1.5 mile Carbon Beach, City of Malibu, Los Angeles County, were prepared by the CCC staff in 2007. The purpose of these graphics was to ensure that visitors to this beach and the newly opened Public Access Easement at Carbon Beach East (Geffen OTD Easement) clearly understood their public access rights to and along the beach area. These graphics were posted on the CCC website and received significant attention by the news media, ensuring that the general public was aware of this new information.

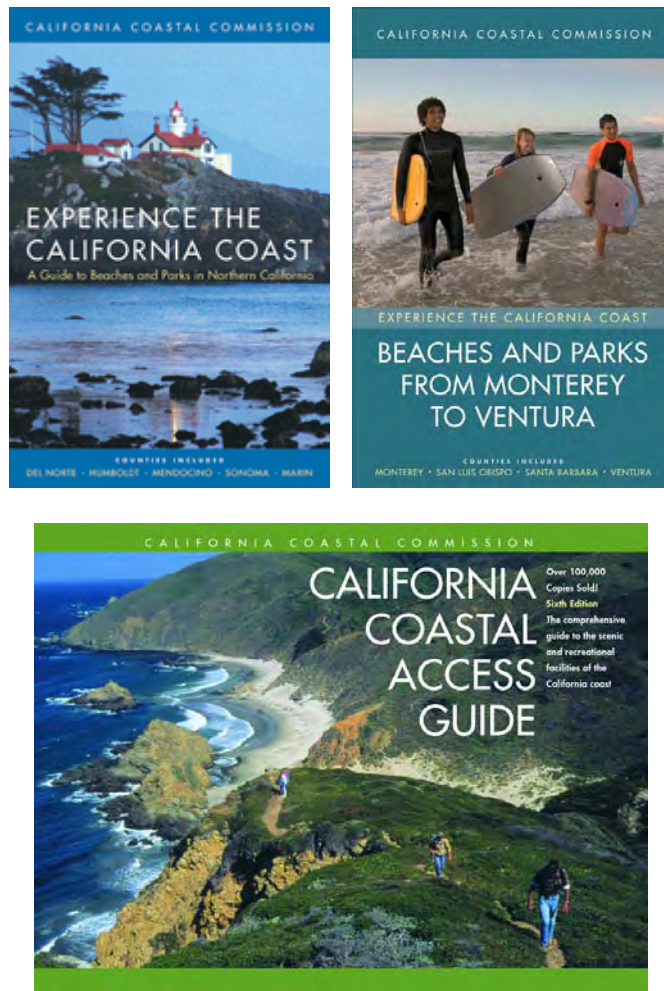


These Carbon Beach Easement graphics were enhanced in 2008 by using improved aerial photography and thus making it easier for the beach-goer to identify where on the beach they were and therefore where the nearby Public Access Easements were located.

C. CCC Publications

The CCC embarked upon an ambitious project in 2005, to produce a series of regional guidebooks identifying the public access opportunities as well as the natural and cultural resources of those areas. This guidebook series incorporates the information from our ever-popular *California Coastal Access Guide* (in its sixth edition- 2003) and the *California Resource Guide* (printed in 1987).

1. In 2005, the CCC published “*Experience The California Coast, A Guide to Beaches and Parks in Northern California*”, the first in the series.
2. In 2007, the CCC published “*Experience The California Coast, Beaches and Parks from Monterey to Ventura*”, the second in our series.



VII. Litigation

The CCC continues to be involved in litigation as a result of requiring public access.

A. Litigation resolved:

- Carbon Beach, City of Malibu, Los Angeles County:
Geffen lawsuit filed in 2002 over opening the Vertical OTD required in 1983 on his property was resolved in 2006 via a settlement. An amended CDP was approved in 2008 which included provision for an additional Lateral Access Easement to connect the existing Vertical Access Easement, Carbon Beach East, with the existing downcoast Lateral Access Easements, creating a total of 280 linear ft. of public beach access.
- Carbon Beach, City of Malibu, Los Angeles County:
Roth lawsuit filed in 2006 over the future opening of an adjacent Vertical Access Easement required in 1983 and accepted by Access for All in 2003, resolved in favor of the CCC in 2008. Enforcement staff taking the next steps to remove non-permitted development in the Vertical Easement and for Access for All to open it to the public.

- Pescadero, San Mateo County:
Arnold and Miller litigation filed and settled in 2006 over a CCC Easement required in 1985. Access Easement and Viewpoint was previously opened to the public in 2003, while lawsuit on-going.
- Gualala Blufftop Trail, Mendocino County:
Fee owner of property supporting the Gualala Blufftop Trail, Phase I constructed in 1998 on CCC required OTDs per CDP in 1977, Bower lawsuit filed in 2005 over planned extension of trail. Case settled in 2006 and trail extension construction underway.

B. On-going Litigation:

- Western area of City of Malibu, Los Angeles County:
Revell lawsuit filed in 2006, over property owner failure to construct and open Lateral and Vertical OTD Easement improvements required in 1985. Lawsuit on-going.
- Las Tunas Beach, City of Malibu, Los Angeles County:
Harner lawsuit filed in 2004, over failure to remove nonpermitted encroachments into Vertical OTD Easement required in 1981 in order to open Easement for public use. Litigation on-going.

VIII. The Future—Access Program Challenges

Over the last three years we have been able to achieve our most important priority, which is to ensure that OTDs do not expire. However we now face new challenges, including:

1. Comprehensive evaluation of all the OTDs (as well as Deed Restrictions-DR- and other legal documents required by the CCC to protect and provide Public Access), particularly the Vertical OTDs, to determine:
 - Is each OTD open to the public? If not, why not? What steps are needed to open them?
 - Are these OTD Easements included in the Local Coastal Program Access Components? If not, ensure they are incorporated.
 - Which OTDs are a segment of the CCT? (see more below)
 - Which OTDs will be impacted by sea level rise and if so what alternatives are there to ensure continued public access in the manner provided by the OTD?
2. Mapping of each OTD and Deed Restriction:
 - on a parcel level
 - provide to local governments for inclusion in LCP
 - in relationship to the CCT; however since the CCT alignment is not yet determined for the majority of the State, CCT alignment research and mapping must be done first in order to determine how the OTDs/DR connect to or are a segment of the CCT.